

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AL DENNIS,

Plaintiff,

v.

THE HERSHEY COMPANY,

Defendant.

CASE NO. C13-5131 RBL

ORDER TO SHOW CAUSE RE  
MOTION TO DISMISS AND  
SUMMARY JUDGMENT  
[Dkt. #50]

This Matter is before the Court on Defendant Hershey's Motion to Dismiss and for Summary Judgment [Dkt. #50].

Dennis sued Hershey claiming discrimination. Hershey asserted a \$20,000 counterclaim for purchases Dennis improperly made with his company credit card. The Court dismissed most of Dennis's claims, but his hostile work environment and constructive discharge claims survived. Dennis has not responded to discovery, his counsel has withdrawn, and he refused to participate in drafting the Joint Status Report that was due a month ago.

Hershey now seeks dismissal of Dennis's remaining claims for failure to prosecute, and summary judgment on its counterclaim. Dennis has not responded to the motion.

**DISCUSSION**

A defendant may move to dismiss an action with prejudice if the plaintiff fails to prosecute the case, fails to comply with a court order, or fails to comply with the Federal Rules of Civil Procedure. Fed R. Civ. P. 41(b). The power to dismiss an action for failure to prosecute "is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion." *Link v. Wabash Railroad Co.*, 370 U.S. 626, 629 (1962).

It is clear that Dennis has failed to prosecute this action and has failed to comply with the Court's Orders. What is not clear is whether he has some valid reason for his failure.

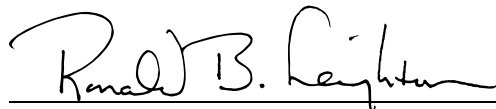
Dennis is therefore ORDERED to SHOW CAUSE IN WRITING within 14 days of this Order why his remaining claims should not be dismissed with prejudice for failure to prosecute.

Dennis has failed to respond to Hershey's motion for summary judgment as well. Under Local Rule 7, the Court may deem his failure an admission that the Motion has merit. Nevertheless, Dennis is pro se, and his response to this Order should also address Hershey's Motion.

If Dennis does not respond, or his response is not compelling, the Motions will be granted without further notice.

IT IS SO ORDERED.

Dated this 14<sup>th</sup> day of October, 2014.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE